

Excerpts
Planning Commission Minutes
September 8, 2004

Application No. UP-645-04, Rodney and Crystal Boyd: Request for a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a beauty shop as a home occupation within a single-family detached dwelling on a 0.47-acre parcel of land located at 406 Grafton District Road (Route 1209) and further identified as Assessor's Parcel No. 24J-08-F-38. The property is zoned R20 (Medium density single-family residential) and the Comprehensive Plan designates this area for Medium-Density Residential development.

Mr. Earl Anderson, Planner, presented the summary of his memorandum to the Commission dated August 26, 2004. Mr. Anderson projected some photographs of the site and noted that the site has since been cleaned up and the applicants have stated they will install landscaping in front of their residence.

Mr. Anderson referred to a letter from **John W. Moore and Joan S. Moore**, 206 York Lane, dated August 24, 2004 and previously forwarded to the members. In the letter, Mr. and Mrs. Moore stated that some of their concerns were based on two businesses the Boyds were operating from their residence. They had no objection to the Special Use Permit provided their concerns are addressed and the Boyds operate their businesses in compliance with County ordinances. [Letter attached to minutes of record.]

Mr. Davis inquired about the business licenses the applicants currently hold for their home address. **Mr. Anderson** stated they have licenses for a mobile automobile repair business and a home office for a landscape business, but no right to store equipment or perform work on the residence property.

Mr. Davis found it problematical that the applicants already have two home-operated businesses with previous violations and neighbors' objection. He expressed concerns that the residence is on the verge of becoming a commercial operation. **Mr. Davis** acknowledged the applicants appear to be hardworking people, but he did not favor a third business operating from the residence.

Mr. Barba noted the property has been cleaned up and they are hardworking people, and he had no objection to granting the use permit with the conditions proposed by staff.

Chair Simasek opened the public hearing.

Mr. Hamilton asked about the vehicles depicted in the staff photographs.

Mr. Rodney Boyd, 406 Grafton District Road, stated the pictures were taken while his driveway was under construction and landscaping was being installed using some of his own landscaping equipment that normally is kept off site. Two classic cars shown in the pictures are usually garaged but were outside when the photographs were taken because the garage was needed during the construction and yard work. He said his work equipment normally is stored at locations off site and he tries to comply with all County codes. **Mr. Boyd** added that he has spent thousands of dollars improving his property.

Mr. Boyd said approval of the use permit would enable his wife to stay at home with their two children while continuing to work.

Mr. Simasek noted the concern expressed by Mr. Davis about a residentially-zoned property becoming a commercial operation. He asked Mr. Boyd how much traffic his current businesses generate.

Mr. Boyd said they do not generate any traffic because he meets his workers at the work site or some other location each morning.

Mr. Staton wanted to know how many vehicles are stored on the residence property. **Mr. Boyd** stated his personal truck, an SUV, and two classic cars that are garaged, are kept at the residence.

Mr. Barba moved adoption of proposed Resolution PC04-23.

PC04-23

On motion of Mr. Barba, which carried 5:1 (Mr. Davis dissenting, Mr. Harvell absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE A BEAUTY SHOP AS A HOME OCCUPATION AT 406
GRAFTON DISTRICT ROAD.

WHEREAS, Rodney and Crystal Boyd have submitted Application No. UP-645-04 requesting a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a beauty shop as a home occupation within a single-family detached dwelling on a 0.47-acre parcel of land located at 406 Grafton District Road (Route 1209) and further identified as Assessor's Parcel No. 24J-08-F-38; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 8th day of September, 2004, that it does hereby transmit Application No. UP-645-04 to the York County Board of Supervisors with a recommendation of approval, subject to the following conditions:

1. This use permit shall authorize the establishment of a one (1)-chair beauty shop as a home occupation within a single-family detached dwelling on a 0.47-acre parcel of land located at 406 Grafton District Road and further identified as Assessor's Parcel No. 24J-08-F-38.
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2. The conduct of such home occupation shall be limited to approximately 215 square feet, which is shown on the house survey sketch plan filed with the application.
3. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
4. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.
5. The days and hours of operation shall be limited to no more than three days per week from 9:00 AM to 8:00 PM by appointment only.
6. No more than one (1) customer at any one time shall be served within the applicant's home.
7. Retail sales on the premises shall be limited to incidental sales of shampoo and other hair care products.
8. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
9. In accordance with the terms of the Zoning Ordinance, a minimum of two (2) off-street parking spaces shall be provided on the premises to accommodate customers. These spaces shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

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up645excr
attachment

August 24, 2004

York County
Planning Division
Att: Earl W. Anderson, Planner
P. O. Box 53
Yorktown, VA 23690-0532

From: John W. and Joan S. Moore
206 York Lane
Yorktown, VA 23692
Telephone (757) 898-5645 or (757) 285-7242


Re: Application UP-645-04
Rodney and Crystal Boyd


We have some concerns based on the (2) businesses now being operated from this address.

- 1) Will there be sufficient off street parking for customers, family and the (2) two other businesses now being operated from this location? The location has been used for storing light industrial equipment for Rodney's Tree Service and customer cars that are in for repairs.
- 2) Will zoning violations with the other (2) two businesses be addressed prior to issuing another license for this location?
- 3) How many businesses can be operated from a residential location zoned R-20?
- 4) Will there be any follow-up to be sure all (3) three businesses are in compliance?
- (5) Will there be only (1) one hair dresser working from this home?

In summary: The back of our home including our sunroom, deck and patio face the area where most of our concerns are in view. We have resided in this home for forty six years and have tried to be tolerant of the many activities of the Boyd's. If the above concerns can be addressed and we can be assured they will stay in compliance, there will be no objection to Crystal Boyd having a Use Permit for a beauty shop.

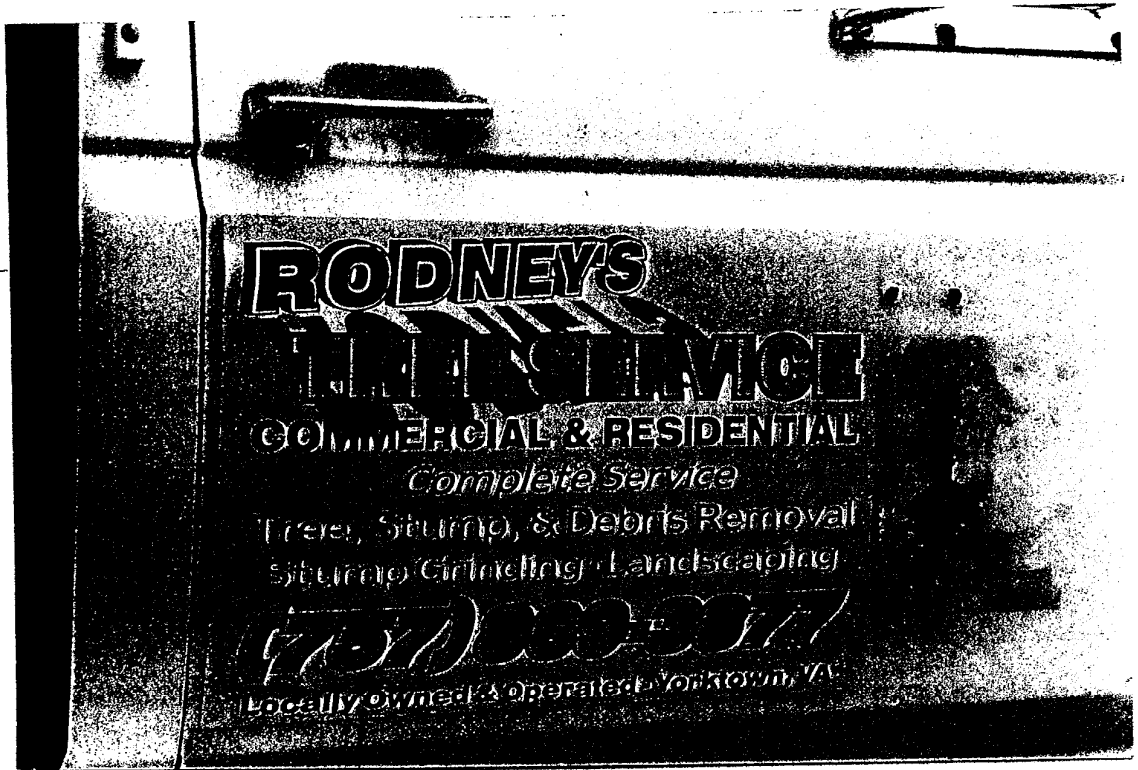
The enclosed pictures show the conditions on the Boyd property in June, 2004 at which time we filed a complaint with Zoning Compliance.


John W. Moore


Joan S. Moore

BEFORE

PHOTOGRAPHS TAKEN FROM GRAFTON DISTRICT RD IN JUNE 2004



" BEFORE "

PHOTOGRAPHS TAKEN FROM GRAFTON DISTRICT RD IN JUNE 2004

